

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the Meeting of the Licensing Act Sub-Committee held in the Meeting Room at the Brewhouse Arts Centre, Burton upon Trent on Wednesday 1st November 2017.

Present:

Councillors B G Peters (Chairman), R J Clarke and C. Wileman.

Officers Present:

Mrs A Wakefield (Solicitor), Miss S Bradley (Licensing Team Leader) and Mrs H Farman-McKenna (Licensing Officer).

83/17 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

84/17 **APPOINTMENT OF CHAIRMAN**

Resolved:

That Councillor B G Peters be appointed Chairman for this meeting.

85/17 **URGENT BUSINESS**

There was no urgent business brought forward to the Licensing Act Sub-Committee pursuant to Rule 12.

86/16 **APPLICATION FOR A PREMISES LICENCE – THE SKINNY KITTEN, 23 -25 MAIN STREET, BARTON UNDER NEEDWOOD, BURTON UPON TRENT, STAFFORDSHIRE DE13 8AA**

(CE) The report of Chief Executive, regarding an application for a premises licence was considered.

Mrs Stephanie Holmshaw, the applicant, attended the sub-committee meeting and was accompanied by her husband.

Mr Robert Clinton, Mr Ian Jackson, Dr & Mrs Somdev Mookerjee and Mr Christian Stephenson, objectors, attended the meeting.

The sub-committee heard oral evidence from the following witnesses:

Mrs Helen Farman-McKenna (Licensing Officer)

Mr Christian Stephenson (Objector)

Mr Ian Jackson (Objector)

Mr Robert Clinton (Objector)

Dr & Mrs Mookerjee (Objectors)

Mrs Stephanie Holmshaw (Applicant)

Resolved:

The Chairman thanked everyone for attending the sub-committee meeting.

He stated that the sub-committee had been greatly assisted by the manner in which everyone had conducted themselves. The sub-committee had listened closely to everything that had been said and had deliberated at length in order to reach a decision.

The Chairman stated that on one hand the sub-committee had heard from the group of residents who had lodged relevant representations in response to the application. The residents had made their position known very clearly and eloquently. In essence, the objectors were concerned that were the sub-committee to grant the application, then it would result in harm to public safety and prevention of public nuisance licensing objectives.

On the other hand the sub-committee had heard equally clearly and eloquently from the applicant that under her intended business model she would serve alcohol with afternoon teas and that she also wished to have the ability to hold occasional evening events throughout the year. She also said there would be no stand-up bar and that it was not her intention to run something resembling a pub.

The sub-committee had been required to reach their own conclusions as to whether the grant of a premises licence at this particular premises would harm any of the licensing objectives. In the event that the sub-committee found that there would be a likelihood of harm, the sub-committee would then have to consider whether those concerns were capable of being remedied – for example by the inclusion of additional conditions.

Having read all of the papers and heard everything that those present had to say, the sub-committee had concluded that in the very vast majority of respects any potential harm would be sufficiently mitigated by the additional conditions agreed between the applicant and Staffordshire Police. However, there was one important residual harm to be addressed. It was acknowledged by all present that the Skinny Kitten was housed in a building which was in close proximity to a number of houses. It was also not in dispute that people entering and leaving the café by means of the rear access would be extremely close to those houses.

The sub-committee found that allowing the licence in the form applied for would lead to public nuisance late at night at the rear of the premises and the sub-committee had also determined that this particular harm could be mitigated by requiring that the business closed earlier. For that reason the sub-committee had determined that alcohol may be supplied until 11.00 pm; recorded music may be played until 11.00 pm and the premises may remain open to the public until 11.30 pm; and the sub-committee granted the premises licence in that amended form.

The Chairman strongly urged all parties to ensure that the channels of communication opened as a result of the application and this hearing remained open from now on to promote a good working relationship between all parties.

Chairman